**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.GIRI**

**FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929**

**WP(C).No. 31094 of 2007(B)**
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**PETITIONER:**
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**M.K.RADHAKRISHNAN,**
**BARGE DRIVER, KERALA SHIPPING AND INLAND NAVIGATION CORPORATION LTD., GANDHI NAGAR, KOCHI.**

**BY ADV. SRI.K.R.KURUP**
**SRI.C.R.SYAMKUMAR**
**SRI.K.J.ABRAHAM**
**SRI.LAVARAJ M.G.**
**SRI.JOSE KURIAN**
**SRI.C.R.VINOD KUMAR**

**RESPONDENTS:**
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1. **KERALA SHIPPING AND INLAND NAVIGATION CORPORATION LTD., GANDHI NAGAR, KOCHI, REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **THE MANAGING DIRECTOR, KERALA SHIPPING AND INLAND NAVIGATION CORPORATION LTD., GANDHI NAGAR, KOCHI.**

**BY ADV. SRI.VAKKOM N.VIJAYAN,SC,KS & INC LTD.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**V. GIRI ,J.**

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**WP(C).NO. 31094 of 2007**

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Dated this the 19th day of October, 2007

**JUDGMENT**

The petitioner is an employee of the first respondent Corporation. The retirement age of the employees of the first respondent Corporation was recommended to be raised from 55 to 58 by the Board of Directors of the first respondent. Apparently, Government rejected the proposal. By Ext.P1 judgment, this Court set aside the orders passed by the Government and declared that the employees are entitled to continue up to the age of 58. Ext.P1 judgment was upheld by the Division Bench in Ext.P3. The grievance of the petitioner is that though he has continued beyond the age of 55 and is still in service, he has not been paid the wages for the period he has worked beyond the age of 55.

2. If the petitioners has actually worked during that period and ultimately, this Court had also taken a decision that the age of retirement of the employees of the first

respondent is to be treated as 58, the petitioner is entitled to the wages for the period during which he has worked.

3. Learned counsel for the respondent Corporation submits that there are still certain appeals pending before this Court, challenging the decision taken by a learned Single Judge of this Court declaring the age of retirement of the employees of the first respondent Corporation as 58 and the issue is therefore yet to become final. Learned counsel for the petitioner submits that an appeal has not been filed by the Corporation.

4. In my view, at this stage, what is necessary is that the Corporation should look into the claim made by the petitioner for wages for the period when he has worked.

In the circumstances, the writ petition is disposed of directing the first respondent to pass orders on Ext.P4, within a period of one month from the date of receipt of a copy of this judgment.

**V. GIRI, JUDGE**

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